IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

NOTICE OF MOTION NO.98 OF 2006
IN
APPEAL (L) NO.1257 OF 2005
IN
SUMMONS FOR JUDGMENT NO.844 OF 2003
IN
SUMMARY SUIT NO.2669 OF 2003

Rekha V. Mehta .. Appellant
v/s.
Navinchandra T.Sanghvi .. Respondent

ALONGWITH

APPEAL (L) NO.1257 OF 2005
IN
SUMMONS FOR JUDGMENT NO.844 OF 2003
IN
SUMMARY SUIT NO.2669 OF 2003

Rekha V. Mehta .. Appellant
v/s.
Navinchandra T.Sanghvi .. Respondent

Mr.Shailesh Shah /by M/s.Nitya Sunil & Associates for the appellant.

Mr.D.H.Mehta i/by Mr.N.R.Parekh for the respondent.

CORAM : R.M. LODHA &
ANOOP V.MOHTA, JJ.

DATED : 30TH JANUARY, 2006.

P.C.

We are informed by the learned counsel for the respondent that subsequent to the impugned order dated 30th August, 2005, the decree has

been passed.

2. Mr.D.H.Mehta, the learned counsel for the respondent submits that since the appellant is desirous of challenging the judgment and decree dated 16.1.2006 in appeal, the appellant can challenge the legality and correctness of the impugned order in that appeal as well. In the light of the submission of Mr.D.H.Mehta, the learned counsel for the respondent, we are satisfied that it is not necessary to go into the merits of the application for condonation of delay as well as the appeal and it is disposed of accordingly.

3. It is clarified that it will be open to the appellant to set up the legality and correctness of the order dated 30.8.2005 as ground in the appeal challenging the judgment and decree dated 16.1.2006.

(R.M.LODHA, J.)

(ANOOP V. MOHTA, J.)